

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN

UNITED STATES OF AMERICA,

Criminal No. 14-cr-20292

Plaintiff,

HON. LINDA V. PARKER
United States District Court Judge

v.

JUSTIN PHILLIP LYLE-PORTER,

Defendant.

STIPULATION AND ORDER REGARDING
GUILTY PLEA AND BOND

The parties, by their undersigned attorneys, stipulate and agree as follows:

1. Pursuant to an order of reference (R.2: Order; R. 7: Scheduling Order) and the parties written consent (R. 9: Consent) defendant entered a plea of guilty before Magistrate Judge Michael Hluchaniuk on August 12, 2014.

2. Defendant's guilty plea was entered pursuant to the terms of a Rule 11 Plea Agreement executed by the parties and filed with Court on August 12, 2014. (R. 11: Rule 11 Plea Agreement).

3. The Rule 11 Plea Agreement provides that "Defendant understands that the government will move to cancel bond when the court accepts the guilty plea." At the plea hearing on August 12, 2014, defendant

acknowledged that remand was mandatory pursuant to 18 U.S.C. §3143.

4. On August 13, 2014, a Report and Recommendation concerning defendant's guilty plea was filed. (R. 10: Report & Recommendation). Magistrate Judge Hluchaniuk recommends that "defendant's plea be accepted, [and] defendant be adjudged guilty ..." (*Id.* at p. 2). The Report also provided that the parties have 14 days to file objections to the report and recommendation.

5. The Government and Defendant waive the 14 days to file objections and request that the court issue an order accepting the findings and recommendations in the Magistrate Judge's Report.

6. The parties further agree that defendant's bond shall be cancelled immediately and that defendant be remanded to the custody of the United States Marshal Service pending sentencing.

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ORDER REGARDING GUILTY PLEA AND BOND

On August 12, 2014, a plea hearing was conducted before United States Magistrate Judge Michael J. Hluchaniuk, pursuant to the parties consent. Judge Hluchaniuk issued a report recommending acceptance of defendant's guilty plea. The parties have stipulated that there are no objections to the report and therefore this court is not obligated to independently review the record. *Thomas v. Arn*, 474 U.S. 140, 149-52 (1985).

This Court having received the report and finding that its conclusion and recommendations are reasonable;

IT IS ORDERED that Judge Hluchaniuk's Report and Recommendation (DE # 10) is adopted. Accordingly, defendant's guilty plea is accepted and he is adjudged guilty. The Rule 11 Plea Agreement (DE #11) is taken under advisement.

Additionally, pursuant to the parties stipulation and 18 U.S.C. §3143, defendant's bond shall be cancelled and defendant shall be remanded to the custody of the United States Marshal Service pending sentencing. Defendant shall report to the United States Marshal Service in Flint, Michigan no later than 3:00 pm on August 15, 2014. The Clerk of the Court is directed to issue a warrant for defendant's arrest if he fails to appear as directed.

IT IS SO ORDERED.

Entered: August 15, 2014

s/ Linda V. Parker
LINDA V. PARKER
United States District Judge